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Attorneys for Defendant DGG FINANCIAL CORPORATION dba DREXEL LENDING GROUP (erroneously sued as Drexel Lending Group, a California corporation)

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

MARIA R. METCALF,

Plaintiff,

vs.

DREXEL LENDING GROUP, a  
 California corporation; OLD  
 REPUBLIC TITLE COMPANY, a  
 California corporation; AURORA  
 LOAN SERVICES, LLC; a California  
 limited liability company;  
 MORTGAGE ELECTRONIC  
 REGISTRATION SYSTEMS, INC., a  
 Delaware corporation; and ROBERT  
 E. WEISS INCORPORATED, a  
 California corporation,

Defendants.

CASE NO.: 3:08-cv-00731-W-POR

**DEFENDANT DGG FINANCIAL  
 CORPORATION DBA DREXEL  
 LENDING GROUP'S REPLY BASED  
 ON NON OPPOSITION TO THE  
 MOTION TO DISMISS**

**[F.R.Civ.P., rule 12(b)(6)]**

Date: June 23, 2008  
 Time: 10:30 a.m.  
 Courtroom: 7  
 Judge: Hon. Thomas J. Whelan

**NO ORAL ARGUMENT PURSUANT  
 TO LOCAL RULE 7.1(d)(1)**

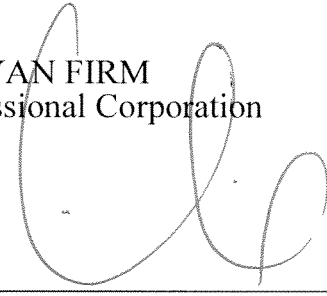
Defendant DGG Financial Corporation dba Drexel Lending Group ("Drexel") has received no opposition from Plaintiff Maria R. Metcalf to Drexel's Motion to Dismiss under F.R.Civ.P., rule 12(b)(6), which is scheduled to be heard by this court on June 23, 2008.

1 *United States District Court, Southern District of California Local Rule 7.1(e)(2)*  
 2 requires an opposing party to file and serve opposition papers, or a written statement that  
 3 the party does not oppose the motion, not later than fourteen (14) days before the date  
 4 designated for the hearing of the motion.<sup>1</sup> Drexel's Motion to Dismiss is set to be heard  
 5 on June 23, 2008. Thus, Plaintiff's opposition was due to be filed and served no later  
 6 than June 9, 2008.

7 Since Drexel's Motion to Dismiss is well founded and unopposed, Drexel  
 8 respectfully requests that this Court grant Drexel's motion and dismiss Drexel from the  
 9 above captioned case.

10 DATED: June 12, 2008

THE RYAN FIRM  
 A Professional Corporation

By:   
 TIMOTHY M. RYAN  
 KIMBERLY L. ROIG  
 Attorneys for Defendant DGG  
 FINANCIAL CORPORATION dba  
 DREXEL LENDING GROUP

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25 <sup>1</sup> *Local Rule 7.1(e)(2)* provides: "Except as otherwise specified in Civil Local Rule  
 26 7.1.e.1, each party opposing a motion, application or order to show cause shall file that  
 27 opposition or statement of non-opposition with the clerk and serve the movant or the  
 28 movant's attorney not later than 14 calendar days prior to the noticed hearing. (For  
 example, for a motion to be heard on a Monday, the opposition papers must be filed and  
 served no later than two Mondays prior to the noticed hearing.)"

**PROOF OF SERVICE**

I am over the age of eighteen years and not a party to the within action. I am employed by The Ryan Firm, A Professional Corporation, whose business address is: 1100 North Tustin Avenue, Suite 200, Anaheim, California 92807.

On June 12, 2008, I served the within document(s) described as: **DEFENDANT DGG FINANCIAL CORPORATION DBA DREXEL LENDING GROUP'S REPLY BASED ON NON OPPOSITION TO THE MOTION TO DISMISS** on the interested parties in this action:

☒ by placing ☐ the original ☒ true copy(ies) thereof enclosed in sealed envelope(s)  
☒ addressed as follows: ☐ addressed as stated on the attached mailing list.

Name & Address	Telephone/Fax/E-mail	Role
Maria R. Metcalf 954 Surrey Drive Chula Vista, CA 91902		Plaintiff pro se
Thomas N. Abbott, Esq. Pite Duncan, LLP P.O. Box 12289 El Cajon, CA 92022-2289	Tel.: (213)458-2586 <a href="mailto:tabbott@piteduncan.com">tabbott@piteduncan.com</a>	Counsel for Defendants AURORA LOAN SERVICES, LLC and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
Cris A. Klingerman, Esq. Robert E. Weiss, Inc. 920 S. Village Oaks Drive Covina, CA 91724	Tel.: (626) 967-4302 Fax: (626) 967-9216 <a href="mailto:cklingerman@rewlaw.com">cklingerman@rewlaw.com</a>	Counsel for Defendant ROBERT E. WEISS, INC.
Edward A. Treder, Esq. L/O Robert E Weiss Inc. 920 S. Village Oaks Drive Covina, CA 91722-3605	Tel.: (626) 967-4302 Fax: (626) 339-7103 <a href="mailto:etreder@rewlaw.com">etreder@rewlaw.com</a>	Co-counsel for Defendant ROBERT E. WEISS, INC.

☒ **BY MAIL** (C.C.P. § 1013(a))—I deposited such envelope(s) for processing in the mailroom in our offices. I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Anaheim, California, in the ordinary course of business. I am aware that on motion of a party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

☒ (Federal) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 12, 2008, at Anaheim, California.

  
 TYLER J. KEMP